

Dec. 12, 1864

# GOVERNOR'S MESSAGE

TO THE

## LEGISLATIVE ASSEMBLY

OF THE

### TERRITORY OF UTAH.

#### FOURTEENTH ANNUAL SESSION.

EXECUTIVE OFFICE, UTAH TERRITORY,  
Great Salt Lake City, Dec. 12, 1864.

#### GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

The assembling of the Legislature of a country which is governed by a written constitution and laws, is an event of great interest to all of its inhabitants. It is then that the actual condition of the State is to be investigated, and such provisions adopted as will secure to every individual his just and equal rights, and promote the general welfare.

Congress, representing the sovereignty of the United States, exercises over a Territory the combined powers of the General and of a State government. It legislates for the people of the United States, and specially for those of a Territory. It confers on a Territorial Legislature a portion only of its powers—reserving to itself the right to enact special laws, and to disapprove of any Act passed by a Territorial Legislature.

The Legislative power and authority of this Territory is vested in the Governor and Legislative Assembly. It extends to all rightful subjects of legislation, consistent with the Constitution of the United States, the provisions of the Act establishing this Government, and other laws of the United States. It is declared in the Organic Act that the Constitution and laws of the United States are extended over, and to be in force in the Territory of Utah, so far as the same, or any provision thereof, may be applicable.

It becomes our duty, therefore, under these limitations, to enact such laws as are necessary and suitable to the circumstances of the Territory.

The general laws now in force appear, from the examinations heretofore given them by my predecessors, and by the judiciary, to require amendment in several of their provisions.

To you, gentlemen, is particularly referred those local subjects of legislation which it is presumed, you are personally acquainted from your place of residence, from your own observation, or in regard to which you may have received accurate information.

The erection of bridges over the rivers on the main thoroughfare; the grading of roads through the canyons; and the construction of canals for irrigation, by which the now waste lands in the valleys of Bear river, Weber, Jordan and Sevier, may be brought into cultivation and rendered productive, I respectfully commend to your consideration. Indeed, grants of land to be regained by irrigation, or made habitable by these canals, may, with propriety, be solicited of Congress to aid in their construction, and there is no doubt that a Memorial to that body for this object, would receive attention, and the appropriation be made.

But excessive legislation, I think, is to be avoided as one of the greatest evils with which a community can be afflicted. Numerous laws, or complicated systems, frequent and sudden changes are dangerous to private rights, and to the liberties of the people. The freest country with a constitutional government is that which is governed by the fewest legislative enactments.

I congratulate you upon the discovery of coal, iron, lead, copper, and of the precious metals, which have been made during the past year in the western, eastern and southern sections of the Territory; and also upon the new settlements which have been formed in their vicinity. While we cannot but regard Agriculture as the first and most important interest in this country, and, therefore, entitled to every encouragement which can be bestowed by Government, the mines—valuable on their own account—may also be considered tributary to that interest, and their development worthy of the attention of the Legislature, and of every citizen who desires to increase the wealth and promote the prosperity of the Territory.

The peaceable and friendly conduct of the Indians towards our citizens and the travelers through every section of the Territory, since the Treaties which were concluded with them in the year 1863—so different from that of former years—cannot be too highly appreciated and commended. These are the first Treaties ever made by the Uni-

ted States with the bands of Shoshonees; and it is somewhat remarkable that they have adhered to their stipulations with a fidelity equal to that of most civilized nations.

It is considered, however, that we are chiefly indebted to the presence and efficiency of the United States' troops, and signal defeat of Bear Hunter and his allies by them, for the first manifestation of a friendly spirit, and that, in fact, we have no security for their faithful compliance with the stipulations of their Treaties—nor with those which may be formed with other tribes in these mountains, but in the continued military occupation of the most eligible sites for the protection of the people in every part of the Territory, an occupation which it seems is equally demanded for the security of the life and property of the peaceable citizen and traveler against the brigand attacks and depredations of white men.

It is provided in those Treaties that the President of the United States may, at any time, make Reservations of such districts of the country of the Shoshonee nation, as he may deem eligible for the use of these bands.

It would be of great advantage to our citizens and to the Indians, if the Reservations were designated soon, and these bands induced to become permanently located upon them.

I recommend the adoption of a Memorial to the President and to Congress, expressing your views on the subject, and asking for an appropriation to enable him to carry these Treaties into effect.

The operation of these Treaties with the Indians of the north has been so beneficial to them and to our citizens, that we cannot but anticipate the same from Treaties with those of the south. The road from Great Salt Lake City—the true capital of Utah, for here are its wealth and intelligence concentrated—to Arizona and Southern California, must become one of the principal thoroughfares through the Territory, and the preferred route of a railway to navigable waters.

The most convenient outlet for the productions of the Great Basin to the Pacific Ocean appears to be by this route and the Colorado. This river is now navigated with several steamboats from the Gulf of California to a point very near our southern boundary; and if amicable relations are established with the Indians through whose country the road passes, and with those inhabiting the banks of that stream, we may expect to see a large commercial town built at the head of navigation, where the trade of Utah will have its depot, and our enterprising merchants their warehouses filled with the rich products of these valleys and of the Indies.

It is understood a bill, containing an appropriation for treaties with the Utah Nation, passed one of the Houses of Congress at its last session; and I shall be glad of the opportunity to unite with you in a memorial for the passage of the bill by the other House, and for its approval by the President.

Under a proper system, there is no doubt many of the individuals of these bands may, in a short time, become herdsmen or agriculturists; and a residence by white men in the valleys of these mountains rendered thereby safe from their hostilities and depredations.

In connection with this subject of the opening of the communication with the Colorado and the establishing new settlements upon its borders, it has occurred to me that it would be of great advantage to all engaged in those enterprises if the jurisdiction of this Territory was extended over that region, where now there is none. If you should concur in the importance of this measure to the people and to the Government, I would respectfully invite you to unite with me in a Memorial to Congress to add to Utah, for temporary purposes of government, that portion of the Territory of Arizona, which is situated north and west of Colorado river.

Schools, and the means of education, ought to be provided in every settlement in the Territory. Without this is done, the mass of the people will soon become grossly ignorant, the abject slaves of wealth and power, and the miserable dopes of every charlatan in religion or in politics. To your wisdom I commend this most important subject for legislation; and sincerely hope a system may be devised by which all the children of a proper age in the Territory, may within the the ensuing year be counted in private or public schools.

The annual reports of the Treasurer and Auditor are presented to you for your information.

The application of the people of this Territory for admission into the Union as a State, is yet pending before Congress; and it is hoped it may receive the favorable action of that body, either by the admission of the State on an equal footing with the original States, or the passage of an act to enable the people to form a Constitution and State Government.

And I beg to assure you, gentlemen, that I shall cordially co-operate with you in the adoption of such measures as you may propose, which are calculated to enlighten the people, protect their rights of person and property, secure to them their civil and religious freedom, or advance their prosperity and happiness.

JAMES DUANE DOTY.

## AUDITOR'S REPORT.

TO HIS EXCELLENCY, J. D. DOTT,  
GOVERNOR,

DEAR SIR:—My annual report as Auditor of Public Accounts has been delayed to this late day to give time for County collectors to make settlement with the Treasurer, the majority of whom are late with their assessments, and, in fact, there are five counties from which the returns of assessment for 1864 have not been received at the present writing. I have reason to believe that this apparent neglect arises chiefly from a change of County clerks, who have not yet become fully acquainted with the duties of their office.

By the accompanying statement of amount of property assessed for the year 1864, it is shown that the total amount is six millions, six hundred and ninety-six thousand and four dollars; the tax on same at one-half of one per cent. gives a gross revenue for the current year, of	\$33,480 02
Less per centage allowed assessors and collectors, and remittances by County Courts, estimated at ten per cent.	3,348 00

Gives a nett revenue for the year 1864 of	<u>\$30,132 02</u>
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The amount in Auditor's Warrants issued during the year ending October 31, 1864, is	20,969 17
Auditor's Warrants in circulation October 31, 1863	<u>4,470 71</u>

Shows a total circulation during the current year, of	34,439 88
The amount redeemed at the Treasury is reported at	<u>30,048 87</u>

In circulation October 31, 1864	<u>4,391 01</u>
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There is yet due to sundry accounts on the Auditor's books of unexpended appropriations the sum of six thousand, eight hundred and one dollars, fifty cents, nearly all of which is due for improvements on public roads and bridges.

Very respectfully, your obedient servant,

WM. CLAYTON,

Auditor of Public Accounts.

G. S. L. City, Nov. 16, 1864.